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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

TASH HEPTING, GREGORY HICKS, CAROLYN JEWEL and ERIK KNUTZEN, on Behalf of Themselves and All Others Similarly Situated,, Plaintiffs, v. AT&T CORP., et al., Defendants.	No. C-06-0672-VRW **CLASS ACTION** **DECLARATION OF CAROLYN JEWEL IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION** Courtroom: 6, 17th Floor Judge: Hon. Vaughn Walker

Dockets.Justia.com

I, Carolyn Jewel, hereby declare:

1. I am a plaintiff in this action, and I reside in Petaluma, California. I am a database administrator and author, and also take and teach classes at a local university. I have personal knowledge of the matters stated in this declaration and if called upon to do so, I could and would competently testify thereto.

2. I have been a subscriber and user of AT&T Corp.'s Worldnet dial-up Internet service ("Worldnet service") since approximately June 2000.

3. I use the Worldnet dial-up service in my home. I use it nearly every day.

4. I use the Worldnet service for web browsing and to send and receive email. I use the Worldnet service to engage in correspondence with individuals in foreign countries, including England, Germany and Indonesia, as well as correspondence with individuals in the United States.

5. I use the Worldnet service to send correspondence and engage in activities that I expect to remain private, such as personal correspondence, banking, family matters, medical matters of concern to me and my family, correspondence with students, fellow-students and professors, and discussions regarding my published and in progress writing with my literary agent, editors, other authors and fans.

6. Since June 2000, I have sent and received emails from persons who are not customers of the Worldnet service, as well as those who are customers of the Worldnet service and, to the best of my knowledge, those emails have traveled on the Worldnet service network.

7. I expected that my emails and other communications conducted through the Worldnet service would remain private and would not be subjected to any form of government surveillance. I have never knowingly consented to any government surveillance of my communications sent through or using the Worldnet service.

8. Since I learned of the government's domestic eavesdropping program and AT&T's involvement in it, I have been concerned about the privacy of my communications. This concern has led me to question my use of the Worldnet service, including how, whether and/or the manner in which I respond to individuals via email, and my use of the Worldnet service to search for or disseminate information through the Internet. For example, with regard to an email correspondent

in Indonesia who is Muslim, I have not openly responded to his queries about my understanding of Islam as practiced in Bali or queried him about his opinions of the current tensions regarding the United States' actions in Iraq even though I would be quite interested to know his thoughts.

9. In addition, I have recently begun to write in a new genre (action and futuristic romance) and I feel that certain plots or subplots that would otherwise be of significant interest to me, may be unwise since they would require research into weapons, arms and military and paramilitary operations. As a result, I do not plan to use my Worldnet service to do this research.

10. Had I known of the government's domestic eavesdropping program and AT&T's involvement in it sooner, I would have reduced my use of the Worldnet service sooner and/or curtailed the scope and subject matter of my internet searches sooner.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 21st day of March, 2006, at Petaluma, California.

Carolyn Jewel

I, Reed R. Kathrein, am the ECF User whose ID and password are being used to file this DECLARATION OF CAROLYN JEWEL IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION. In compliance with General Order 45, X.B., I hereby attest that Carolyn Jewel has concurred in this filing.

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via FedEx to the non-CM/ECF participants indicated on the attached Manual Notice List.

/s/ REED R. KATHREIN

REED R. KATHREIN

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